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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,270	08/01/2003	Benjamin Joseph Haass	200209008-1	5469

7590 09/15/2004  
HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. 272400  
Fort Collins, CO 90527-2400

EXAMINER
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NGUYEN, VINCENT Q

ART UNIT	PAPER NUMBER
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2858

DATE MAILED: 09/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

ck

<b>Office Action Summary</b>	Application No. 10/632,270	Applicant(s) HAASS ET AL.	
	Examiner Vincent Q Nguyen	Art Unit 2858	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 8-11 and 17-19 is/are rejected.
- 7) ☒ Claim(s) 4-7 and 12-16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/01/2003</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Specification***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because it contains legal phraseology "comprising" (e.g. line 1). Correction is required. See MPEP § 608.01(b).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 8-11, 17-19, are rejected under 35 U.S.C. 103(a) as being unpatentable over Menis et al. (5,200,696) in view of Nakajima (2001/0035766A1).

Regarding claims 1, 8, 17, 18, Menis et al. discloses a device testing system comprising (figure 12) automated test equipment (ATE) configured to interface to a device under test (4); and logic (724) configured to select a test set of data comprising a plurality of test pairs (19), the test pairs indicative of DUT parameter values.

Menis et al. discloses the logic (724) further configured to allow the user setting a value for each pin (Column 19, lines 10-15) but does not explicitly disclose select a subset of the plurality of test pairs from the test set of data and to test the DUT via the ATE with a portion of the selected subset based upon a test result of at least one of the test pairs.

Nakajima discloses a system similar to that of Menis et al. and further discloses select a subset of the plurality of test pairs from the test set (Nakajima's page 1, right column, 4<sup>th</sup> paragraph) for the purpose of ameliorating the time of measuring and enhancing the accuracy for the device (Nakajima's page 1, right column, 2<sup>nd</sup> paragraph).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the logic being configured to select a subset as

taught by Nakajima into the system of Menis et al. because such a selection of subset would ameliorate the time of measuring and would enhance the accuracy for the device (Nakajima's page 1, right column, 2<sup>nd</sup> paragraph).

Regarding claims 2, 9, Menis et al. discloses the test set of data comprises test pairs indicative of operational parameters corresponding to the DUT (figure 6).

Regarding claims 3, 10, Menis et al. discloses the subset of test pairs selected from the test set of test pairs is a cross shmoo (Figure 6).

Regarding claim 11, Menis et al. does not disclose first, second, third, and fourth legs.

Nakajima discloses (figure 4) first leg (M adjacent left), second leg (N adjacent right), third leg (Adjacent upper), and fourth leg (Adjacent below) for the purpose of ameliorating the time of measuring and enhancing the accuracy for the device (Nakajima's page 1, right column, 2<sup>nd</sup> paragraph).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the legs as taught by Nakajima's into the system of Menis for the same reason as set forth in claim 1.

Regarding claim 19, Menis does not explicitly disclose logic configured to predict test results for a portion of the plurality of test pairs of the test set.

Nakajima discloses a system similar to that of Menis et al. and further discloses the logic (1) configured to predict test results for a portion of the plurality of test pairs of the test set; and logic configured to display (6) a plot indicative of the test results (figures 3-26) obtained by the logic configured to test and the logic configured to predict.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the logic being configured as taught by Nakajima into the system of Menis for the same reason as set forth in claim 1.

***Contact Information***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vincent Q Nguyen whose telephone number is (571) 272-2234. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, N. Le can be reached on (571) 272-2233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Vincent Q Nguyen  
Patent Examiner  
Art Unit 2858

September 10, 2004